United States Department of the Interior
Fish and Wildlife Service

Fishery Leaflet 168

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COMMERCIAL FISHERY LAWS AND REGULATIONS

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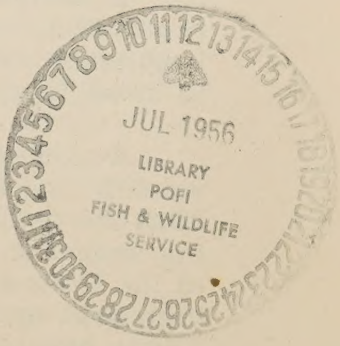

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Federal Laws and Regulations

Regulation of the fisheries of the continental United States, or of the landings of fishery products at United States ports, in the absence of a Federal treaty, traditionally has been the subject of State rather than Federal jurisdiction.

At the present time the U. S. Fish and Wildlife Service alone and/or through the International agencies on which the Service has representation exercises some jurisdiction over (1) the sponge fishery in the extra-territorial waters off the coast; (2) the halibut fishery of the eastern North Pacific and Bering Sea; (3) the sockeye salmon runs of the Fraser River; (4) the fishery for fishes of the cod group, flat fishes, and of ocean perch in the Northwest Atlantic Ocean; (5) commercial and sport fishing in Alaska; (6) high seas commercial fisheries in the waters of the North Pacific Ocean contiguous to the Alaskan coast; (7) the Whaling Convention Act of 1949; (8) the enforcement of the law regarding the interstate transportation of fish taken illegally; (9) administration of Fishery Cooperative Marketing Act of June 25, 1934 (48 Stat. 1213, 15U. S. C. 521); (10) consultation with other agencies on the conservation of commercial and other fishery resources and recommendation on water engineering projects (60. Stat 1080, 16U. S. C. 661, 662); (11) administration of certain manpower

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policy functions in cooperation with the Director of the Selective Service System; and (12) administration of certain responsibilities and functions vested in the Secretary of the Interior under the Defense Production Act of 1950 as amended and under Defense Food Delegation No. 2 (16 FR 3311, 3519) as revised.

Any fishing that involves operations affecting navigation, such as the stretching of nets or seines in navigable waters, is subject to certain Federal laws and regulations. However, these laws and regulations do not relate directly to fishing but to the obstruction of navigable waters and, therefore, the proposed operations require the approval of the Department of the Army, Chief of Engineers, Washington 25, D. C., which agency has jurisdiction in these matters.

A number of laws and regulations concerning the operation of vessels and boats affect fishing activities. These generally prohibit the documentation of a foreign-constructed vessel as a fishing vessel in the United States, and prohibit the landing, in a port of the United States, of fish or fish products taken on board on the high seas by foreign-flag vessels, except as provided by treaty. These regulations are administered by the Bureau of Customs, Treasury Department, Washington 25, D. C. The Bureau of Customs also administers the customs laws of the United States. Among the functions performed in this connection are the determination of countervailing duties; requiring proper marking of imported articles and containers; classification and appraisal of merchandise; collection of import duties; and administration of quota provisions of the tariff.

There are few regulations which prescribe detailed standards for fresh and frozen fishery products. Federal specifications are prepared under the direction of the Federal Supply Board and are approved by the General Services Administration for use of all Federal agencies. (Copies of Federal Specifications and the Federal Specifications Index may be obtained upon application, accompanied by check, money order, cash, or Government Printing Office coupons, to the General Services Administration, Business Service Center, Region 3, Seventh and D Streets, SW., Washington 25, D. C. That office will also honor deposit-account numbers issued by the Government Printing Office. Single copies of product specifications required for bidding purposes are available without charge at the GSA Regional Offices in Boston, New York, Atlanta, Chicago, Kansas City, Mo., Dallas, Denver, San Francisco, Los Angeles, Seattle, and Washington, D. C. Prices for additional copies may be obtained from the GSA Regional Offices.) The fishery products for which specifications have been issued are listed in Sep. 314 ("Federal Specifications for Fishery Products"). Copies of this publication may be obtained from the Division of Information, U. S. Fish and Wildlife Service, Washington 25, D. C.

The Food and Drug Administration administers the Federal Food, Drug, and Cosmetic Act which applies to all food products which move in interstate commerce. Among the important provisions of the Act applicable to fishery products are those prohibiting the addition of poisonous substances, the production, packing or handling of a food under unsanitary conditions, and the shipment of foods which are in whole or in part filthy, putrid, decomposed, or otherwise unfit for food. One of the sections of the Act requires the label to bear the common or usual name of the food, and makes it illegal to label one fish with the name of another. The law provides for the declaration of standards of identity, quality, and fill of container for food products. At present these standards are in effect for only a few fishery products. Where no standard has been issued, the general provisions of the law apply. Provision is also made for the packing of fish and shellfish products under the continuous supervision of the Food and Drug Administration. The industry has the option of requesting the service. The only continuous inspection service being conducted is at the plants of some packers of canned shrimp and canned oysters.

All imported fishery products for human consumption must conform to the requirements of the Federal Food, Drug, and Cosmetic Act. Imports are subject to inspection at the time of entry into the United States and to the same provisions of the Act relating to adulteration and misbranding as are products of the United States when shipped from one state to another. Shellfish must conform to the requirements of the states to which destined if they are to be accepted under the laws of the respective states. Inquiries may be addressed to the Food and Drug Administration, Department of Health, Education, and Welfare, Washington 25, D. C.

There is a close parallel in purpose between provisions of the Federal Trade Commission Act which deal with advertising of foods, drugs, and cosmetics, and the labeling requirements of the Federal Food, Drug, and Cosmetic Act.

The Federal Trade Commission, in preventing deceptive advertising and sales practices, issues cease and desist orders against unfair restraint of trade. It, in effect, fixes standards of identity by limiting the use of certain names to particular species in advertising.

The Public Health Service, Department of Health, Education, and Welfare, is particularly interested in shellfish. Through cooperative arrangements, this agency endorses the sanitation control programs of the states meeting the minimum requirements it specifies. These pertain mainly to sanitary control, origin, labeling, and shipment.

Recently, the main function of the U. S. Tariff Commission has been to examine the impact of imports on domestic producers and assess the operation of tariff rates and other import restrictions. It makes peril-point determinations preceding negotiations of reciprocal trade agreements, and conducts escape-clause investigations in connection with requests for relief from concessions already made in trade agreements.

The Department of State has jurisdiction for the foreign policy of the United States and any international relationships concerned therewith.

The Department of Agriculture has authorization to do limited fishery research with respect to transportation and foreign markets (60 Stat. 1091 and yearly Department of Agriculture Appropriation Bills).

The Act of June 25, 1934 (48 Stat. 1213, 15U. S. C. 521), "authorizing associations of producers of aquatic products," established Federal authority for fishermen to conduct cooperative marketing enterprises in interstate and foreign commerce and restricted Federal supervision of such enterprises. The act is comparable to the Capper-Volstead Act, approved by Congress in 1922, which established Federal authority for producers of agricultural products to associate and market products of the farm. The Act of June 25, 1934, is administered by the Secretary of the Interior through the Fish and Wildlife Service. There exists in the Service's Branch of Commercial Fisheries a section in which the cooperative marketing work is centered.

State Fishery Agencies

Inquiries relative to the laws and regulations of the various states governing fisheries should be directed to the fishery agency of the state where the fishery operation is to be conducted. A list of the various state fishery agencies follows:

Alabama	-	Division of Seafoods, Alabama Department of Conservation, Bayou La Batre.
Arizona	-	Arizona Game and Fish Commission, Arizona State Building, Phoenix.
Arkansas	-	Arkansas Game and Fish Commission, Game and Fish Commission Building, Little Rock.
California	-	Department of Fish and Game, 926 Jay Street, Sacramento 14.

Colorado	-	Colorado Game and Fish Department, 1530 Sherman Street, Denver 2.
Connecticut	-	Connecticut Shell-Fish Commission, 185 Church Street, New Haven.
"	-	Connecticut State Board of Fisheries and Game, State Office Building, Hartford 14.
Delaware	-	Board of Game and Fish Commissioners, Dover.
"	-	The Delaware Commission of Shell Fisheries, P. O. Box 285, Dover.
Florida	-	Florida State Board of Conservation, W. V. Knott Building, Tallahassee. (marine)
"	-	Game and Fresh Water Fish Commission, 646 W. Tennessee, Tallahassee. (inland)
Georgia	-	State Game and Fish Commission, 412 State Capitol, Atlanta 3.
Idaho	-	Idaho Department of Fish and Game, 518 Front Street, Boise.
Illinois	-	Department of Conservation, 121 State House, Springfield.
Indiana	-	Department of Conservation, 311 W. Washington Street, Indianapolis 9.
Iowa	-	Iowa State Conservation Commission, E. 7th and Court Avenue, Des Moines 9.
Kansas	-	Kansas Forestry, Fish & Game Commission, Box 581, Pratt.
Kentucky	-	Department of Fish and Wildlife Resources, New State Office Building, Frankfort.
Louisiana	-	Wild Life and Fisheries Commission, 126 Civil Courts, New Orleans 16.
Maine	-	Department of Sea and Shore Fisheries, Vickery-Hill Building, Augusta. (marine)
"	-	Department of Inland Fisheries and Game, State House, Augusta. (inland)

Maryland	-	Department of Tidewater Fisheries, State Office Building, Annapolis. (marine)
"	-	Department of Game and Inland Fish, 516 Munsey Building, Baltimore 2. (inland)
Massachusetts	-	Department of Natural Resources, 15 Ashburton Place, Boston 8.
Michigan	-	Department of Conservation, Lansing 26.
Minnesota	-	Department of Conservation, State Office Building, St. Paul 1.
Mississippi	-	Mississippi Seafood Commission, Biloxi. (marine)
"	-	Mississippi Game and Fish Commission, Woolfolk Building, Jackson. (inland)
Missouri	-	State Conservation Commission, Monroe Building, Jefferson City.
Montana	-	State Fish and Game Commission, Helena.
Nebraska	-	Game, Forestation, and Parks Commission, State Capitol Building, Lincoln 2.
Nevada	-	Fish and Game Commission, Box 678, Reno.
New Hampshire	-	Fish and Game Department, 34 Bridge Street, Concord.
New Jersey	-	Department of Conservation and Economic Development, Highway Dept. Office Building, 1036 Parkway Avenue, Trenton.
New Mexico	-	Department of Game and Fish, Santa Fe.
New York	-	Conservation Department, Broadway Arcade Building, Albany.
North Carolina	-	North Carolina Department of Conservation and Development, State Office Building, Raleigh.
North Dakota	-	Game and Fish Department, Capitol Building, Bismarck.
Ohio	-	Department of Natural Resources, Division of Wildlife, Hangar Building, 1500 Dublin Road, Columbus.

Oklahoma	-	Game and Fish Department, State Capitol Building, Oklahoma City 5.
Oregon	-	Oregon Fish Commission, 307 State Office Building, Portland 1. (commercial)
"	-	State Game Commission, P. O. Box 4136, Portland 8.
Pennsylvania	-	Pennsylvania Fish Commission, 231 South Office Building, Harrisburg.
Rhode Island	-	Department of Agriculture and Conservation, Veteran's Memorial Building, 83 Park Street, Providence 2.
South Carolina	-	Division of Commercial Fisheries, South Carolina Wildlife Resources Department, 91 Broad Street, Charleston.
South Dakota	-	South Dakota Department of Game, Fish and Parks, New State Office Building, Pierre.
Tennessee	-	Tennessee Game and Fish Commission, Cordell Hull Building, Nashville.
Texas	-	Game and Fish Commission, Walton Building, Austin.
Utah	-	Fish and Game Commission, 1596 West North Temple Street, Salt Lake City.
Vermont	-	Fish and Game Commission, Montpelier.
Virginia	-	Commission of Fisheries, Box 756, Newport News. (marine)
"	-	Commission of Game and Inland Fisheries, 7 North 2nd Street, Richmond 13. (inland)
Washington -	-	Department of Fisheries, Fishermen's Terminal, Salmon Bay, 4015 20th Avenue, West, Seattle 99.
West Virginia	-	Conservation Commission of West Virginia, Charleston.
Wisconsin	-	Conservation Department, State Office Building, Madison.
Wyoming	-	Wyoming Game and Fish Commission, Box 378, Cheyenne.

Territories and Island Possessions
Fishery Agencies

Alaska	- Fish and Wildlife Service, Department of the Interior, Washington 25, D. C.
Alaska	- Alaska Department of Fisheries, Juneau.
Hawaii	- Division of Fish and Game, Board of Agriculture and Forestry, Honolulu.
Commonwealth of Puerto Rico	- Department of Agriculture and Commerce, Division of Fisheries and Wildlife, San Juan.
Virgin Islands	- Gov't. Secretary of the Virgin Islands, St. Thomas.
Guam	- Director of Agriculture, Agana.
American Samoa	- Director of Agriculture, Pago Pago, Tutuila.
Pacific Trust Territory	- Trust Territory Government, P. O. Box 542, Agana, Guam.

Interstate Compact Commissions

Atlantic States Marine Fisheries Commission
22 West First Street
Mt. Vernon, New York

Gulf States Marine Fisheries Commission
931 Canal Street
New Orleans 16, Louisiana

Pacific Marine Fisheries Commission
340 State Office Building
1400 SW Fifth Avenue
Portland 1, Oregon